

UNITED STATES OF AMERICA
UNITED STATES DISTRICT COURT
FEDERAL DISTRICT COURT OF MASSACHUSETTS

CIVIL ACTION NO. 03 CV 12493 RCL

MELISSA SEPPI,
PLAINTIFF
vs.
MEZZANOTTE, LLC D/B/A VISION
NIGHTCLUB AND FRANK C. AMATO
DEFENDANTS

UNOPPOSED MOTION TO CONTINUE TRIAL DATE

Now comes the Plaintiff and moves this Honorable Court to continue the trial of this matter from December 5, 2005 until January 16, 2006 or to some later time convenient for the Court. This matter was scheduled for a Final Pre-Trial hearing on Thursday November 10, 2005. The parties filed their Pre-Trial memorandum in accordance with the Court's pre-trial order. Defendant's counsel was scheduled to be on trial in the State court at the time of the Pre-Trial hearing and asked the Court to continue the Pre-Trial hearing. The Court determined that no final pre-trial hearing was needed and scheduled a trial date of December 5, 2005.

As set out in the Plaintiff's Affidavit, incorporated herein, the Plaintiff who has undergone over 25 surgeries as a result of the injuries suffered in this incident, is scheduled to undergo yet another surgery on December 12, 2005. The plaintiff wants to be present for her entire trial. She cannot postpone the surgery due to the significant risk of developing an infection in her knee. The Plaintiff will be hospitalized during the week of December 12th and will be convalescing for a considerable period of time thereafter.

For the above reasons, the Plaintiff respectfully requests a continuance of the trial of this matter until January 16, 2006 or to some other later time convenient for the Court.

As grounds hereof the Plaintiff submits the attached affidavit.

MELISSA SEPPI,
By her attorney,



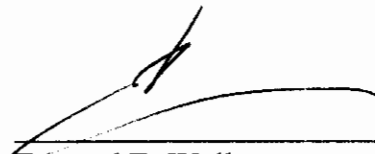
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Edward F. Wallace, Esq.
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270 Littleton Road, Unit 22
Westford MA 01886
(978) 589-9995

Dated: November 14, 2005

CERTIFICATE OF SERVICE

I, Edward F. Wallace, hereby certify that on this date the foregoing document was served upon all interested parties by hand-delivering a true copy thereof and by hand delivery directed to their counsels of record:

Kevin G. Kenneally, Esq.
Donovan Hatem, LLP
Representing Mezzanotte, LLC d/b/a Vision Nightclub
Two Seaport Lane
Boston, MA 02210
Phone: (617) 406-4528



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AFFIDAVIT IN SUPPORT OF UNOPPOSED MOTION TO CONTINUE TRIAL

I, Melissa Seppi, on oath depose and say that:

1. I am the Plaintiff in the above action.
2. I am scheduled for a surgery on my knee at the Massachusetts General Hospital with Dr. Winograd on December 12, 2005.
3. I will be admitted to the hospital for at least a week in order for Dr. Winograd to open up the skin on my knee and remove the affected tissue, as the previous shin graftings on my knee have not worked.
4. I am not able to re-schedule the surgery, as there is a significant risk to me that I might develop a serious infection in my knee and my knee is causing me severe pain.
5. I will be convalescing for several weeks after my discharge.
6. I wish to be present for my trial of this matter so that I can assist my attorney in the trial.
7. I request that the trial be continued until on or after January 16, 2006 to allow for my surgery, convalescence and my attendance at trial.

SIGNED UNDER THE PAINS AND PENALTIES OF PERJURY THIS 14TH DAY OF NOVEMBER 2005.



MELISSA SEPPI

FILED
IN CLERKS OFFICE
2005 NOV 14 P 1:58
U.S. DISTRICT COURT
DISTRICT OF MASS.

CERTIFICATE OF SERVICE

I, Edward F. Wallace, hereby certify that on this date the foregoing document was served upon all interested parties by hand delivering a true copy thereof, priority mail, postage prepaid, directed to their counsels of record:

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